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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED ERA

JUN 08 2015

6-8-15

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Dennis Harris - N66154

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

15cv5040

Judge Marvin E. Aspen

Ca: Magistrate Judge Daniel G. Martin
(To PC6

C/O Shaw, Warden Terry

Williams, Warden Michael

Nagata, Warden Michael Wente

Wardens Designee "LKS", John

Jane Doe Placement officer,

U. Dumas, Lt. Jacobs

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Dennis Harris
- B. List all aliases: None
- C. Prisoner identification number: N-66154
- D. Place of present confinement: Lawrence CC
- E. Address: LAWRENCE Corr. Cent ~~LAWRENCE~~ 10940 LAWRENCE ROAD
Sumner Illinois 62466

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: C/O Shaw
Title: Internal Affairs Correctional Officer / Gang Intel
Place of Employment: Stateville CC
- B. Defendant: Terry Williams
Title: Warden
Place of Employment: Stateville CC
- C. Defendant: Michael Magada
Title: Warden
Place of Employment: Stateville

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

(continued on page 2.1)

- D. Michael Leuke, Warden, Stateville
- E. "LKS", Wardens Designee, Stateville (Name Unknown)
- F. John/Jane Doe, Placement officer, Stateville (Name Unknown)
- G. Lt. Demas, Lieutenant, Stateville
- H. Lt. Jacobs, Lieutenant, Stateville

These defendants are sued in their individual capacities for the monetary compensation sought in the Prayer For Relief.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: _____
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: _____
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: _____
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

The defendants in this complaint have had a knowing disregard of an excessive risk to my health and well-being and failed to protect me while I was a prisoner in their custody and care. At all times relevant in this complaint they acted under the color of state law at Stateville C.C.

On 1/9/14 I was interviewed by defendant Shaw who is an internal affairs officer with Stateville C.C. where I resided. The interview was about the alleged assault of a prisoner on 1/7/14. Allegedly this prisoner was assaulted by one or more assailants in the E-House Shower. While I was being interviewed internal affairs officer Shaw did not protect my identity or the sensitive nature of the interview. I was seen by several inmates while I was in the Internal Affairs office; the Internal Affairs office's door was open while I was being questioned; and defendant Shaw was not quiet while he questioned me. I was also the only prisoner called off the gallery where I and the prisoner allegedly assaulted resided. When keying me out the C/O stated "Shaw wants to talk to you

about dude that got assaulted the other day." I stated all of my concerns to defendant Shaw about the CIO's statement and the way in which the whole process of the interview was conducted. I told him I feared for my safety because he had made me look like a SNITCH. I asked Shaw to have me moved out of E-House or at least off of E-House 7 gallery to protect me from harm or any type of repercussions. He assured me I'd be okay and did nothing. He wouldn't even relay my concerns to the placement office per my request.


Between 1/9/14 and 2/16/14 I received several threats from anonymous prisoners just for going to Internal Affairs on 1/9/14. I wrote letters to defendant Shaw, defendant ^{John} Doe of the Placement Office and ^{the Warden of Stateville} [redacted] (Jane Doe). In each letter I simply asked to be moved off of E-House 7 gallery. The letters were never responded to. Defendant "LKS", who is the Warden's designee, did not consider the grievance I wrote on 2/1/14 an emergency even though my life was clearly in danger and defendant "LKS" didn't even respond to the grievance until 3/10/14, approximately 38 days after it was written. The grievance detailed the allegations in this complaint. When the grievance wasn't answered within 72 hrs I wrote letters to defendants Shaw, the Warden of Stateville and John/Jane Doe of the Placement Office. (Continued on page 5.1)

I requested placement in protective custody in each letter. They were never responded to.

As a result of the defendant's failure to protect me I was assaulted on 2/16/14 and my jaw was severely broken on the right side. The assailant stated "Punk-ass snitch!" right before I was struck and knocked unconscious. I have been also subjected to emotional distress, blurred vision and headaches. My speech now sometimes slurs and I can no longer open my mouth as I once use to. I have permanent disability. I also use to be an excellent singer which is something I wished to pursue upon my release from IDOC, but since my jaw was broke I can no longer do that.

It must be emphasized, without being redundant, that the defendants in this complaint were specifically aware; through letters, conversations and the grievance procedure, that I had been labeled a snitch and someone who informed on individuals who participated in a 1/7/14 assault on an individual in the E-House shower. Although I'd never informed on any individual and was completely without knowledge of specific details regarding the 1/7/14 incident I was falsely accused of being a snitch and my life was threatened because of it. The assaulting of myself was directly related to being labeled a snitch regarding the 1/7/14 incident. END.

Under the penalty of perjury I, Kevin Birbo-328737, swear that I prepared this 1983 complaint for Mr. Dennis Harris-466154 per his request and with his approval due to his inability to understand and litigate legal matters such as this. He is on psychotropic meds which affects his coherency and alertness at times. He is in dire need of pro bono assistance. ~~He is not~~

This court may better ascertain who I am as I am a litigant and/or the Plaintiff in Birbo v. Gomez 13C6864, Birbo v. Johnson 13C5507 and Birbo v. Urbanosky 12C9219. The two former are open cases before the ND Ill Judge Robert Blakey and the latter is on appeal with the 7th Circuit 14-1157. 28 USC 1746 18 USC 1621 15/  5/12/15

Plaintiff Adds An Addendum To Add 2 Additional Defendants

Lt. Dumas and Lt. Jacobs had a knowing disregard of an excessive risk to my health and well-being and failed to protect me while I was a prisoner in their custody and care. At all times relevant in this complaint they acted under the color of state law at Stateville C.C.

Between 1/9/14 and 2/16/14 I spoke with Lt. Dumas and Lt. Jacobs about fearing for my safety after being labeled a snitch as alleged in pages 4-5.1. Specifically, but not limited to, I spoke with Lt. Dumas on 1/25/14 and 2/14/14 and Lt. Jacobs on 2/15/14. I related my fears to each. I was directed by them to write and seek out assistance from the Placement Officer, C/O Shaw and the Stateville Warden. I followed their instructions as alleged in this complaint. However, these above-named defendants had a duty to protect me from harm and were specifically aware of the harm I faced. Each told me "These guys are just "woofing" (making idle threats) and did nothing substantial to protect me even when I asked to be placed in protective custody. As a result of their failures my right jaw was severely broken as alleged in page 5.1 of this complaint.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Compensatory, Punitive & Emotional Distress Damages in the
amount of \$500,000 each. Any other relief deemed
necessary by the court.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 17th day of May, 20 15

Mr. Dennis Harris
(Signature of plaintiff or plaintiffs)

Mr. Dennis Harris
(Print name)

N-66154
(I.D. Number)

LAWRENCE Corr. Cent.

10940 LAWRENCE RD.

SUMNER, IL 62466
(Address)

United States District Court for the
Northern District of Illinois Eastern Division

Mr. Dennis Harris
Plaintiff,

Case No. # _____

--VS--

C/O Shaw et al.
Defendants

PROOF AND CERTIFICATE OF SERVICE

To: _____

Title: _____

To: _____

Title: _____

PLEASE TAKE NOTICE that on this 19 day of MAY 2015
I have placed the documents listed below in the institutional
mail at Lawrence Correctional Center, properly address to the
parties listed above for mailing through the United States
Postal Service : @ LAWRENCE Correctional Center

A Copy is hereby served upon the opposing party !

I, Mr. Dennis Harris, Being first duly sworn upon my
oath hereby states that I have served the above Representatives
with the above stated documents by placing the same in the U.S.
Postal/Mail Box here at Lawrence C.C. ; Postage prepaid, on
this 3 day of June 2015.

Signature Mr. Dennis Harris

Print Name Mr. Dennis Harris

I.D.# 11-11154

Lawrence Correctional Center
10930 Lawrence Rd.
Sumner, IL. 62466

Subscribed and Sworn to before me this 19th Day of May 2015

Notary : Kimberly A. Ulrich

OFFICIAL SEAL
KIMBERLY A. ULRICH
Notary Public - State of Illinois
My Commission Expires 8/18/2018